

Passed by the House on April 28, 2017: Yeas 128, Nays 4, 3 present, not voting; passed by the Senate on May 19, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective January 1, 2018.

**INDEMNIFICATION AND DUTIES OF ENGINEERS AND
ARCHITECTS UNDER CERTAIN GOVERNMENTAL
CONTRACTS**

CHAPTER 879

H.B. No. 3021

AN ACT

relating to indemnification and duties of engineers and architects under certain governmental contracts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2254.0031, Government Code, is amended to read as follows:

Sec. 2254.0031. **INDEMNIFICATION.** (a) A state governmental entity may require a contractor selected under this subchapter to indemnify or hold harmless the state from claims and liabilities resulting from the negligent acts or omissions of the contractor or persons employed by the contractor. A state governmental entity may not require a contractor to indemnify, ~~or~~ hold harmless, or defend the state for claims or liabilities resulting from the negligent acts or omissions of the state governmental entity or its employees.

(b) *Notwithstanding any other provision of law, Sections 271.904(a)–(e) and (g), Local Government Code, apply to a contract for architectural or engineering services between an architect or engineer selected under this subchapter and a state agency as defined by Section 2052.101.*

SECTION 2. Section 271.904, Local Government Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) A contract for engineering or architectural services to which a governmental agency is a party must require a licensed engineer or registered architect to perform services:

(1) with the professional skill and care ordinarily provided by competent engineers or architects practicing ~~[in the same or similar locality and]~~ under the same or similar circumstances and professional license; and

(2) as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

(g) *Nothing in this section prohibits a governmental agency in a contract for engineering or architectural services to which the governmental agency is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.*

SECTION 3. Section 2254.0031, Government Code, as amended by this Act, applies only to a contract for which a request for proposals or a request for qualifications is first published or distributed on or after the effective date of this Act. A contract for which a request for proposals or a request for qualifications is first published or distributed before the effective date of this Act is governed by the law in effect on the date the request was published or distributed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

Passed by the House on May 12, 2017: Yeas 143, Nays 0, 1 present, not voting; passed by the Senate on May 23, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

**AIR CONDITIONING AND REFRIGERATION CONTRACTING
AND THE EDUCATION AND CERTIFICATION OF AIR
CONDITIONING AND REFRIGERATION TECHNICIANS**

CHAPTER 880

H.B. No. 3029

AN ACT

relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1302.002, Occupations Code, is amended by amending Subdivision (5-c) and adding Subdivision (5-d) to read as follows:

(5-c) "Certification training program" means a program of education and training that:

(A) is accepted or approved by the department; and

(B) consists of at least 2,000 hours of a combination of:

(i) classroom instruction:

(a) at a secondary school;

(b) at an institution of higher education, as defined by Section 61.003, Education Code; or

(c) in an apprenticeship program accepted by the department; and

(ii) practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor.

(5-d) "Certified technician" means an air conditioning and refrigeration [a registered] technician who is certified by the department [has completed a certification examination].

SECTION 2. Section 1302.1011, Occupations Code, is amended to read as follows:

Sec. 1302.1011. RULES. The commission shall adopt rules:

(1) providing for the licensing, certification, and registration of persons under this chapter, including requirements for the issuance and renewal of a contractor license, a technician certification, and a technician registration;

(2) establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a contractor license, a technician certification, and a technician registration; and

(3) implementing the requirements of this chapter as applicable to persons, entities, and activities regulated under this chapter.

SECTION 3. Section 1302.255(a), Occupations Code, is amended to read as follows:

(a) An applicant for a license under this subchapter must:

(1) be at least 18 years old; and

(2) have:

(A) at least 48 months of practical experience in air conditioning and refrigeration-